



RESTRICT 2007045123

4 PGS

Zoning Case No. C14-06-0183

**RESTRICTIVE COVENANT**

OWNER(S): Michael J. McGinnis  
Richard G. Hardin  
Anna Catherine Miller  
Robert Clift McGinnis

ADDRESS: c/o Michael J. McGinnis, P.O. Box 5334, Austin, Texas 78763

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 0.407 acre tract of land, more or less, being Lot 8 and the west 19 feet of Lot 7 and the east 50 feet of Lot 7, Block 75, Original City of Austin, the tract of land being more particularly described in Document No. 2006110900, of the Official Public Records of Travis County, Texas

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. In the event a building or structure on the Property exceeds 60 feet in height, then the following shall apply:
  - a. The Owner shall design and construct streetscape improvements along Rio Grande Street and West 7<sup>th</sup> Street in compliance with the City of Austin Great Streets design criteria as the criteria existed on March 1, 2007. Design, permitting and construction of streetscape improvements will be at Owner's expense. The Owner shall coordinate the design of the streetscape improvements with the Urban Design Section of the Neighborhood Planning and Zoning Department. The Urban Design Section shall inspect and approve the streetscape improvements prior to issuance of a certificate of occupancy; and
  - b. All residential and commercial development shall comply with Austin Energy Green Building Program in effect on March 1, 2007, to achieve a minimum two-star rating; and
  - c. A live music venue is not permitted in a building or structure on the Property.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

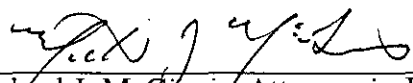
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3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

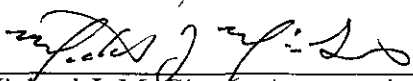
EXECUTED to be effective the 24 day of March, 2007.

**OWNER:**

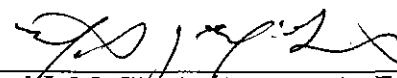
**Richard G. Hardin**

  
By: Michael J. McGinnis, Attorney-in-Fact

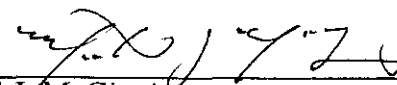
**Anna Catherine Miller**

  
By: Michael J. McGinnis, Attorney-in-Fact

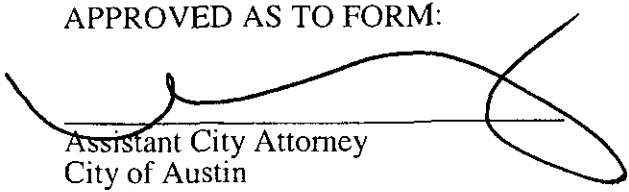
**Robert Clift McGinnis**

  
By: Michael J. McGinnis, Attorney-in-Fact

**Michael J. McGinnis**

  
Michael J. McGinnis

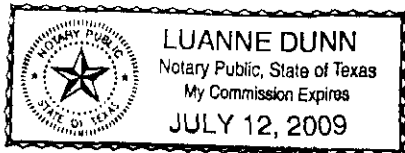
APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 8<sup>th</sup> day of March, 2007, by Michael J. McGinnis, as Attorney-in-Fact, on behalf of Richard G. Hardin.

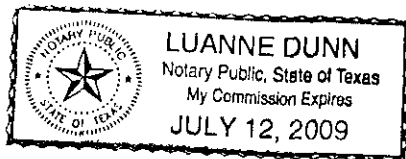


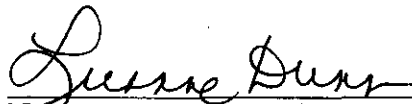
  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 8<sup>th</sup> day of March, 2007, by Michael J. McGinnis, as Attorney-in-Fact, on behalf of Anna Catherine Miller.

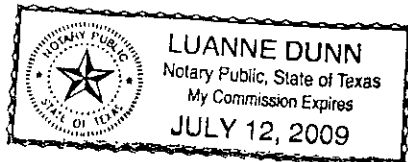


  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 8<sup>th</sup> day of March, 2007, by Michael J. McGinnis, as Attorney-in-Fact, on behalf of Robert Clift McGinnis.



  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 8<sup>th</sup> day of March, 2007, by Michael J. McGinnis.



*Luanne Dunn*  
\_\_\_\_\_  
Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Diana Minter, Legal Assistant

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2007 Mar 13 02:47 PM 2007045123

BENAVIDESV \$28.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS